

# Notice of Allowability

Application No.

10/761,539

Examiner

Christina Russell

Applicant(s)

WILLIAMS, VINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/26/2006.
2. ☒ The allowed claim(s) is/are 1-5, 10-16, 18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

MARLON FLETCHER  
PRIMARY EXAMINER

## **DETAILED ACTION**

### **Drawings**

The amendment to the drawings, or more specifically the addition of the string length 44 to Figure 5, and the addition of the string line 32, the separation distance 46 and the bridge 48 to Figure 7, is accepted.

### **Specification**

The amendment to the specification to clarify the items not visible in the drawings, or more specifically the clarification of the hammer 86 not appearing in Figure 5, and the strings 30 not appearing in Figure 6, is accepted.

### **Reasons For Allowance**

1. Claims 1-5, 10-16, 18 and 19 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The prior art relied upon in the first office action rejection, mainly Cunningham (6,740,800), no longer teaches all the claimed elements of the independent claims 1 and 12, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable. References that teach similar elements as the patent mentioned above are Kidwell (3,443,468), Schutze (3,293,974), Reed (1,374,388), Aronis (4,175,466), and Koniecki (3,293,975).

4. In terms of claim 1, the applicant was correct is stating that Cunningham does not teach the direct manipulation of the strings by the user, and therefore does not teach an instrument with two methods of playing. Kidwell teaches a picking and fingering device, which allows for both the dampening and vibrating of the strings, but the device is taught to be foot operated and does not allow the user to directly play the strings. Schutze teaches a similar plucking mechanism, but this device only allows for plucking, or vibrating of the strings and not for the dampening of them. The opposite of Schutze's teachings is the device proposed by Reed, which allows for the dampening or shortening of the strings and not for the vibration. Also Reed teaches the hammers which dampen the strings directly over the strings and not at an acute angle. Koniecki teaches a keyboard device that allows for the plucking or vibrating of the strings, and the dampening of the strings, but the dampening is only used to stop the vibration already set in motion. Koniecki's device also does not shorten the length of the string when it dampens it, and therefore does not allow the user to dampen the string with the keyboard device and pluck the desired string with the user's free hand. Lastly, Aronis teaches a keyboard device which allows for the vibration and dampening of strings, while also allowing the user to manipulate the strings with the other hand. Aronis does not however teach the keyboard mechanism at an acute angle to the strings, nor does he teach the use of hammers to vibrate and dampen the strings. Also no mention is made of a bridge, a head piece or the reduction of string length when dampened. Also, Aronis does teach of the strings ability to be dampened, but the dampers appear below the strings and not on the key to be depressed. Finally, Aronis fails to show the

keyboard device overlaying the strings, but shows it to the side. Therefore claim 1, and its dependent claims, 2-5, and 10-11 are accepted.

5. In terms of claim 12, similar to claim 1, all the above mentioned references fail to teach the claimed elements presented in this claim, such as the reduction of string length, the presence of a bridge, a head, and hammers, and the ability of the keyboard device to allow for both vibration and dampening of the strings, while still allowing the user to manipulate the visible portion of the strings not covered by the keyboard, therefore making claim 12 and its dependent claims 13-16 and 18-19 acceptable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext. 33. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
2/06/2006



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PRIMARY EXAMINER